

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

TROY EMANUEL, JR.,

Case No. 3:22-cv-00485-MMD-CLB

Plaintiff

ORDER

v.

WILLIAM RUEBART, et al.,

Defendants

On October 31, 2022, pro se plaintiff Troy Emanuel, Jr., an inmate in the custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983 (ECF No. 1-1), a motion for preliminary injunction (ECF No. 1-2), and a motion for temporary restraining order (ECF No. 1-3). Plaintiff has neither paid the full \$402 filing fee for this matter nor filed an application to proceed *in forma pauperis*. (See ECF No. 1).

I. DISCUSSION

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). The fee for filing a civil-rights action is \$402, which includes the \$350 filing fee and the \$52 administrative fee. See 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. Loc. Special R. 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. Special R. 1-2. *In forma pauperis* status does not relieve an inmate of his or her

1 obligation to pay the filing fee, it just means that the inmate can pay the fee in installments.
2 See 28 U.S.C. § 1915(b).

3 As explained above, Plaintiff has neither paid the full filing fee nor applied to
4 proceed *in forma pauperis*. The Court gives Plaintiff **until December 30, 2022**, to either
5 pay the filing fee or submit an application to proceed *in forma pauperis*.

6 **II. CONCLUSION**

7 It is therefore ordered that Plaintiff has **until December 30, 2022**, to either pay the
8 full \$402 filing fee or file a fully complete application to proceed *in forma pauperis* with all
9 three required documents: (1) a completed application with the inmate's two signatures
10 on page 3, (2) a completed financial certificate that is signed both by the inmate and the
11 prison or jail official, and (3) a copy of the inmate's trust fund account statement for the
12 previous six-month period.

13 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
14 Plaintiff fails to timely comply with this order.

15 The Clerk of the Court is directed to send plaintiff Troy Emanuel, Jr. the approved
16 form application to proceed *in forma pauperis* for an inmate and instructions for the same
17 and retain the complaint (ECF No. 1-1) and motions (ECF No. 1-2, 1-3) but not file them
18 at this time.

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20 DATED THIS 1st day of November 2022.

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22 UNITED STATES MAGISTRATE JUDGE
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